

1-1 By: Taylor S.B. No. 706
1-2 (In the Senate - Filed February 21, 2013; March 12, 2013,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 4, 2013, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hinojosa	X		
1-9	Nichols	X		
1-10	Garcia	X		
1-11	Paxton	X		
1-12	Taylor	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the creation of the Brazoria County Municipal Utility
1-16 District No. 47; granting a limited power of eminent domain;
1-17 providing authority to issue bonds; providing authority to impose
1-18 assessments, fees, and taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-21 Code, is amended by adding Chapter 8464 to read as follows:

1-22 CHAPTER 8464. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 47

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8464.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.

1-26 (2) "Commission" means the Texas Commission on
1-27 Environmental Quality.

1-28 (3) "Director" means a board member.

1-29 (4) "District" means the Brazoria County Municipal
1-30 Utility District No. 47.

1-31 Sec. 8464.002. NATURE OF DISTRICT. The district is a
1-32 municipal utility district created under Section 59, Article XVI,
1-33 Texas Constitution.

1-34 Sec. 8464.003. CONFIRMATION AND DIRECTORS' ELECTION
1-35 REQUIRED. The temporary directors shall hold an election to
1-36 confirm the creation of the district and to elect five permanent
1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8464.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-39 temporary directors may not hold an election under Section 8464.003
1-40 until each municipality in whose corporate limits or
1-41 extraterritorial jurisdiction the district is located has
1-42 consented by ordinance or resolution to the creation of the
1-43 district and to the inclusion of land in the district.

1-44 Sec. 8464.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of:

1-47 (1) a municipal utility district as provided by
1-48 general law and Section 59, Article XVI, Texas Constitution; and

1-49 (2) Section 52, Article III, Texas Constitution, that
1-50 relate to the construction, acquisition, improvement, operation,
1-51 or maintenance of macadamized, graveled, or paved roads, or
1-52 improvements, including storm drainage, in aid of those roads.

1-53 Sec. 8464.006. INITIAL DISTRICT TERRITORY. (a) The
1-54 district is initially composed of the territory described by
1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of
1-57 the Act enacting this chapter form a closure. A mistake made in the
1-58 field notes or in copying the field notes in the legislative process
1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

1-61 (2) right to issue any type of bond for the purposes

2-1 for which the district is created or to pay the principal of and
 2-2 interest on a bond;

2-3 (3) right to impose a tax; or

2-4 (4) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 8464.051. GOVERNING BODY; TERMS. (a) The district is
 2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 8464.052, directors serve
 2-9 staggered four-year terms.

2-10 Sec. 8464.052. TEMPORARY DIRECTORS. (a) On or after the
 2-11 effective date of the Act enacting this chapter, the owner or owners
 2-12 of a majority of the assessed value of the real property in the
 2-13 district may submit a petition to the commission requesting that
 2-14 the commission appoint as temporary directors the five persons
 2-15 named in the petition. The commission shall appoint as temporary
 2-16 directors the five persons named in the petition.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under
 2-19 Section 8464.003; or

2-20 (2) the fourth anniversary of the effective date of
 2-21 the Act enacting this chapter.

2-22 (c) If permanent directors have not been elected under
 2-23 Section 8464.003 and the terms of the temporary directors have
 2-24 expired, successor temporary directors shall be appointed or
 2-25 reappointed as provided by Subsection (d) to serve terms that
 2-26 expire on the earlier of:

2-27 (1) the date permanent directors are elected under
 2-28 Section 8464.003; or

2-29 (2) the fourth anniversary of the date of the
 2-30 appointment or reappointment.

2-31 (d) If Subsection (c) applies, the owner or owners of a
 2-32 majority of the assessed value of the real property in the district
 2-33 may submit a petition to the commission requesting that the
 2-34 commission appoint as successor temporary directors the five
 2-35 persons named in the petition. The commission shall appoint as
 2-36 successor temporary directors the five persons named in the
 2-37 petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 8464.101. GENERAL POWERS AND DUTIES. The district has
 2-40 the powers and duties necessary to accomplish the purposes for
 2-41 which the district is created.

2-42 Sec. 8464.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-43 DUTIES. The district has the powers and duties provided by the
 2-44 general law of this state, including Chapters 49 and 54, Water Code,
 2-45 applicable to municipal utility districts created under Section 59,
 2-46 Article XVI, Texas Constitution.

2-47 Sec. 8464.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-48 52, Article III, Texas Constitution, the district may design,
 2-49 acquire, construct, finance, issue bonds for, improve, operate,
 2-50 maintain, and convey to this state, a county, or a municipality for
 2-51 operation and maintenance macadamized, graveled, or paved roads, or
 2-52 improvements, including storm drainage, in aid of those roads.

2-53 Sec. 8464.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-54 road project must meet all applicable construction standards,
 2-55 zoning and subdivision requirements, and regulations of each
 2-56 municipality in whose corporate limits or extraterritorial
 2-57 jurisdiction the road project is located.

2-58 (b) If a road project is not located in the corporate limits
 2-59 or extraterritorial jurisdiction of a municipality, the road
 2-60 project must meet all applicable construction standards,
 2-61 subdivision requirements, and regulations of each county in which
 2-62 the road project is located.

2-63 (c) If the state will maintain and operate the road, the
 2-64 Texas Transportation Commission must approve the plans and
 2-65 specifications of the road project.

2-66 Sec. 8464.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-67 OR RESOLUTION. The district shall comply with all applicable
 2-68 requirements of any ordinance or resolution that is adopted under
 2-69 Section 54.016 or 54.0165, Water Code, and that consents to the

3-1 creation of the district or to the inclusion of land in the
 3-2 district.

3-3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-4 Sec. 8464.151. ELECTIONS REGARDING TAXES OR BONDS.

3-5 (a) The district may issue, without an election, bonds and other
 3-6 obligations secured by:

3-7 (1) revenue other than ad valorem taxes; or

3-8 (2) contract payments described by Section 8464.153.

3-9 (b) The district must hold an election in the manner
 3-10 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-11 before the district may impose an ad valorem tax or issue bonds
 3-12 payable from ad valorem taxes.

3-13 (c) The district may not issue bonds payable from ad valorem
 3-14 taxes to finance a road project unless the issuance is approved by a
 3-15 vote of a two-thirds majority of the district voters voting at an
 3-16 election held for that purpose.

3-17 Sec. 8464.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-18 authorized at an election held under Section 8464.151, the district
 3-19 may impose an operation and maintenance tax on taxable property in
 3-20 the district in accordance with Section 49.107, Water Code.

3-21 (b) The board shall determine the tax rate. The rate may not
 3-22 exceed the rate approved at the election.

3-23 Sec. 8464.153. CONTRACT TAXES. (a) In accordance with
 3-24 Section 49.108, Water Code, the district may impose a tax other than
 3-25 an operation and maintenance tax and use the revenue derived from
 3-26 the tax to make payments under a contract after the provisions of
 3-27 the contract have been approved by a majority of the district voters
 3-28 voting at an election held for that purpose.

3-29 (b) A contract approved by the district voters may contain a
 3-30 provision stating that the contract may be modified or amended by
 3-31 the board without further voter approval.

3-32 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-33 Sec. 8464.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-34 OBLIGATIONS. The district may issue bonds or other obligations
 3-35 payable wholly or partly from ad valorem taxes, impact fees,
 3-36 revenue, contract payments, grants, or other district money, or any
 3-37 combination of those sources, to pay for any authorized district
 3-38 purpose.

3-39 Sec. 8464.202. TAXES FOR BONDS. At the time the district
 3-40 issues bonds payable wholly or partly from ad valorem taxes, the
 3-41 board shall provide for the annual imposition of a continuing
 3-42 direct ad valorem tax, without limit as to rate or amount, while all
 3-43 or part of the bonds are outstanding as required and in the manner
 3-44 provided by Sections 54.601 and 54.602, Water Code.

3-45 Sec. 8464.203. BONDS FOR ROAD PROJECTS. At the time of
 3-46 issuance, the total principal amount of bonds or other obligations
 3-47 issued or incurred to finance road projects and payable from ad
 3-48 valorem taxes may not exceed one-fourth of the assessed value of the
 3-49 real property in the district.

3-50 SECTION 2. The Brazoria County Municipal Utility District
 3-51 No. 47 initially includes all the territory contained in the
 3-52 following area:

3-53 TRACT 1

3-54 A 100.53-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
 3-55 CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY,
 3-56 TEXAS, BEING ALL OF LOTS 33, 35, 38, 39, 40, AND UN-NUMBERED TRACT,
 3-57 OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN VOLUME 2,
 3-58 PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND
 3-59 DESCRIBED IN DEED TO NEW RODEO 288, LTD, RECORDED UNDER DOCUMENT
 3-60 NUMBER 2005039091 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY
 3-61 (O.R.O.B.C.), SAID 100.53-ACRE TRACT BEING MORE PARTICULARLY
 3-62 DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO
 3-63 PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO
 3-64 136 OF BRAZORIA COUNTY PLAT RECORDS):

3-65 BEGINNING at a 1/2-inch iron pipe with cap stamped "Brown &
 3-66 Gay" found at the southwest corner of said Lot 35, being at the east
 3-67 right-of-way line of a 40-foot wide road dedicated by said
 3-68 subdivision, and marking the southwest corner of the herein
 3-69 described tract;

4-1 (1) THENCE North 03°23'15" West, a distance of 702.50 feet
 4-2 along the common line of said Lot 35 and said east right-of-way
 4-3 line, to an interior corner of the herein described tract, from
 4-4 which a found 3/8-inch iron rod, bears North 03°23' West, 0.4 feet;

4-5 (2) THENCE North 86°38'32" East, a distance of 640.37 feet
 4-6 along the common line of Lots 34 and 35, to a 1/2-inch iron pipe with
 4-7 cap stamped "Brown & Gay" found at the southeast corner of Lot 34,
 4-8 same being an interior corner of the herein described tract;

4-9 (3) THENCE North 03°23'15" West, a distance of 702.50 feet
 4-10 along the common line of Lots 34 and 39, to a point from which a
 4-11 1/2-inch iron pipe with cap stamped "Brown & Gay" found at the
 4-12 northeast corner of said Lot 34, bears North 82°08' East, 0.7 feet;

4-13 (4) THENCE South 86°38'32" West, a distance of 640.37 feet
 4-14 along the common line of Lots 33 and 34, to a 1/2-inch iron pipe
 4-15 found in the east right-of-way line of said 40-foot road, at the
 4-16 southwest corner of Lot 33, being an interior corner of the herein
 4-17 described tract, from which a 1/2-inch iron pipe with cap stamped
 4-18 "Brown & Gay" bears North 74°10' East, 1.1 feet;

4-19 (5) THENCE North 03°23'15" West, a distance of 2,365.37 feet
 4-20 along east line of said 40-foot road, to a 5/8-inch iron rod with
 4-21 cap stamped "E.H.R. & A. 713-784-4500" set at the northwest corner
 4-22 of the herein described tract;

4-23 (6) THENCE North 86°35'55" East, a distance of 1,280.59 feet
 4-24 along said south line of Rodeo Palms Parkway, to a 5/8-inch iron rod
 4-25 with cap stamped "E.H.R. & A. 713-784-4500" set at the northeast
 4-26 corner of the herein described tract and in the west right-of-way
 4-27 line of a 40-foot wide road, as dedicated by said Emigration Land
 4-28 Company Subdivision;

4-29 (7) THENCE South 03°23'15" East, along said west
 4-30 right-of-way line, at a distance of 3,068.84 feet pass a 1/2-inch
 4-31 iron pipe found 40 feet to the left, marking the southeast corner of
 4-32 Lot 47 of said subdivision, continuing with a total distance of
 4-33 3,771.34 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A.
 4-34 713-784-4500";

4-35 (8) THENCE South 86°38'32" West, along the common line of
 4-36 Lots 40 and 41, at a distance of 639.22 feet to a point from which a
 4-37 found 3/4-inch iron rod bears South 60°55' West, 0.8 feet, and
 4-38 continuing along the common line of Lots 35 and 36 for a total
 4-39 distance of 1,280.59 feet to the POINT OF BEGINNING and containing
 4-40 100.53 acres of land. This description accompanies a Land Title
 4-41 Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc.
 4-42 and dated February 4, 2007.

4-43 TRACT 2

4-44 A 75.83-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
 4-45 CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY,
 4-46 TEXAS, BEING ALL OF LOTS 2, 4, 5, 10, 11, 12, 13, AND OUT OF A
 4-47 PORTION OF LOT 9, OF THE EMIGRATION LAND COMPANY SUBDIVISION,
 4-48 RECORDED IN VOLUME 2, PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS
 4-49 (B.C.P.R.), SAID 75.83-ACRE TRACT BEING MORE PARTICULARLY
 4-50 DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO
 4-51 PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO
 4-52 136 OF BRAZORIA COUNTY PLAT RECORDS):

4-53 BEGINNING at a point marking the southwest corner of Lot 1 and
 4-54 the northwest corner of Lot 2 of said subdivision, being in the east
 4-55 right-of-way line of County Road 48 (Old Airline Road, 40.00 feet
 4-56 wide) as dedicated by said subdivision plat, and being at the most
 4-57 westerly northwest corner of the herein described tract;

4-58 (1) THENCE North 86°38'32" East, along the common line of
 4-59 said Lots 1 and 2, at a distance of 10.00 feet passing a concrete
 4-60 monument found in the east line of County Road 48 (60-foot wide by
 4-61 occupation), continuing for a total distance of 636.34 feet to a
 4-62 5/8-inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" set at
 4-63 the southeast corner of said Lot 1, and the southwest corner of Lot
 4-64 9 and a corner of the herein described tract, from which a found
 4-65 5/8-iron rod bears South 86°57' East, 0.5 feet;

4-66 (2) THENCE North 03°23'15" West, a distance of 256.66 feet
 4-67 along the common line of said Lots 1 and 9, to a 5/8-inch iron rod
 4-68 with cap stamped "E.H.R. & A. 713-784-4500" set on the north line of
 4-69 said section 71 and marking the most northerly northwest corner of

5-1 the herein described tract;

5-2 (3) THENCE North $86^{\circ}35'55''$ East, a distance of 639.84 feet
5-3 along the north line of said section 71, to a 5/8-inch iron rod with
5-4 cap stamped "E.H.R. & A. 713-784-4500" set in the west line of a
5-5 40-foot wide road dedicated by said subdivision plat and the east
5-6 line of said Lot 9, marking the northeast corner of the herein
5-7 described tract;

5-8 (4) THENCE South $03^{\circ}23'15''$ East, along the west line of said
5-9 40-foot wide road, at a distance of 257.15 feet passing a 3/8-inch
5-10 iron rod found at the southeast corner of said Lot 9, at a distance
5-11 of 959.53 feet passing a 3/8-inch iron rod with cap found at the
5-12 southeast corner of Lot 10, at a distance of 1,661.59 feet passing a
5-13 found 3/8-inch iron rod found 0.3 feet to the left, at a distance of
5-14 2,364.23 feet passing a 5/8-inch iron rod with cap stamped "S. Adams
5-15 RPLS 3666" found at the southeast corner of Lot 12, continuing for a
5-16 total distance of 3,066.83 feet to a 5/8-inch iron rod with cap
5-17 stamped "S. Adams RPLS 3666" found at the common corner of Lot 13
5-18 and 14, marking the southeast corner of the herein described tract;

5-19 (5) THENCE South $86^{\circ}38'32''$ West, along the common line of
5-20 Lots 13 and 14, at a distance of 639.84 feet pass a 1/2-inch iron rod
5-21 with a cap stamped "S. Adams RPLS 3666" found at the southwest
5-22 corner of said Lot 13, and continuing along the common line of Lots
5-23 5 and 6 of said subdivision, for a total distance of 1,276.18 feet
5-24 to the east right-of-way line of said County Road 48 (Old Airline
5-25 Road), and being at the southwest corner of said Lot 5 and the
5-26 herein described tract;

5-27 (6) THENCE North $03^{\circ}23'15''$ West, a distance of 1,405.00 feet
5-28 along the east right-of-way line of said County Road 48, to a point
5-29 at the common corner of Lot 3 and Lot 4;

5-30 (7) THENCE North $86^{\circ}38'32''$ East, along the common line of
5-31 Lots 3 and 4, at a distance of 10.00 feet passing a 5/8-inch iron rod
5-32 found at the occupied east line of County Road 48, at a distance of
5-33 92.05 feet passing a 5/8-inch iron rod with cap stamped "Weisser
5-34 Eng. Houston TX," and continuing for a total a distance of 636.34
5-35 feet to a 3/8-inch iron rod found at the common corner of Lot 3 and Lot 4,
5-36 marking an interior corner of the herein described tract, from
5-37 which a 3/4-inch iron rod found at the southeast corner of said Lot
5-38 4 bears South $86^{\circ}38'32''$ West, 702.50 feet;

5-39 (8) THENCE North $03^{\circ}23'15''$ West, a distance of 702.30 feet
5-40 along the common line of Lots 3 and 11, to a 3/8-inch iron rod with
5-41 cap stamped "Spinner" found at the southwest corner of Lot 10,
5-42 marking an interior corner of the herein described tract;

5-43 (9) THENCE South $86^{\circ}38'32''$ West, along the common line of
5-44 said Lots 2 and 3, at a distance of 626.34 feet passing a concrete
5-45 monument found at the occupied east line of said County Road 48, and
5-46 continuing for a total distance of 636.34 feet to a point on the
5-47 east line of said Country Road 48;

5-48 (10) THENCE North $03^{\circ}23'15''$ West, along the common line of
5-49 Lot 2 and the east line of said County Road 48, a distance of 702.38
5-50 feet to the POINT OF BEGINNING and containing 75.83 acres of land.
5-51 This description accompanies a Land Title Survey, prepared by
5-52 Edminster, Hinshaw, Russ and Associates, Inc. and dated February 6,
5-53 2008;

5-54 Save and Except 15.39 acres of land, being the south half of
5-55 Lot 4 and all of Lot 5, leaving a net acreage of 60.44 acres of land.

5-56 TRACT 3

5-57 A 59.06-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
5-58 SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY, TEXAS,
5-59 BEING ALL OF LOTS 21, 26, 27, 28, 29, AND OUT OF A PORTION OF LOTS 17
5-60 AND 25, OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN
5-61 VOLUME 2, PAGE 81 OF BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SAID
5-62 59.06-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
5-63 BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO PALMS SUBDIVISION,
5-64 SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO 136 OF BRAZORIA
5-65 COUNTY PLAT RECORDS):

5-66 BEGINNING at 5/8-inch iron with cap stamped "E.H.R. & A.
5-67 713-784-4500" set at the southwest corner of said Lot 21 of said
5-68 subdivision plat, being in the east right-of-way line of a 40-foot
5-69 wide road, as shown on said Emigration Land Company Subdivision;

6-1 (1) THENCE North 03°23'15" West, a distance of 702.50 feet to
 6-2 a 1/2-inch iron pipe found at the common corner of said Lot 21 and
 6-3 Lot 20 of said subdivision plat, marking an interior corner of the
 6-4 herein described tract;

6-5 (2) THENCE North 86°38'32" East, a distance of 639.69 feet to
 6-6 a 5/8 inch iron rod with cap stamped "E.H.R. & A. 713-784-4500"
 6-7 along the common line of said Lots 20 and 21, to the southeast
 6-8 corner of said Lot 20, same being an interior corner of the herein
 6-9 described tract, and from which a 1/2-inch iron pipe with cap
 6-10 stamped "S. Adams RPLS 3666" bears North 44°35' West, 0.6 feet;

6-11 (3) THENCE North 03°23'15" West, along the common line of
 6-12 Lots 20 and 28, at a distance of 702.50 feet passing a 1-1/4 inch
 6-13 iron pipe found at the southwest corner of said Lot 27 and the
 6-14 northwest corner of Lot 28, continuing along the common line of Lots
 6-15 19 and 27, at 1404.80 feet passing the southwest corner of said Lot
 6-16 26, from which an 1-1/4 iron pipe bears South 59°58' East, 0.9 feet,
 6-17 continuing along the common line of Lots 18 and Lot 26 for a total
 6-18 distance of 2,107.18 feet to a 5/8-inch iron rod with cap stamped
 6-19 "E.H.R. & A. 713-784-4500" set at the southwest corner of Lot 25 and
 6-20 the northwest corner of Lot 26, marking an interior corner of the
 6-21 herein described tract;

6-22 (4) THENCE South 86°38'32" West, a distance of 639.69 feet to
 6-23 a point along the common line of said Lots 17 and 18, to the east
 6-24 right-of-way line of said 40-foot wide road, being a corner of the
 6-25 herein described tract, from which a 1/2-inch iron pipe stamped "S
 6-26 Adams RPLS 3666", bears North 76°59' East, 0.7 feet;

6-27 (5) THENCE North 03°23'15" West, a distance of 257.18 feet
 6-28 along the east right-of-way line of said 40-foot wide road and the
 6-29 west line of said Lot 17, to 5/8-inch iron rod with cap stamped
 6-30 "E.H.R. & A. 713-784-4500" set on the north line of said section 71
 6-31 and being at the northwest corner of the herein described tract;

6-32 (6) THENCE North 86°35'55" East, at 643.76 feet passing a
 6-33 1/2-inch iron pipe, 4.7 feet to the right, found on the southeast
 6-34 corner of Bobby Shotwell 69.983 acres, as recorded under C.F.No.
 6-35 1998002623 O.P.R.O.B.C., and continuing for a total distance of
 6-36 1,278.22 feet, to a 5/8-inch iron rod with cap stamped "E.H.R. & A.
 6-37 713-784-4500" set at the intersection of the south right-of-way
 6-38 line of Rodeo Palms Parkway, dedicated by Rodeo Palms Subdivision,
 6-39 Section 1, plat recorded under Volume 22, Page 133 to 136 of
 6-40 Brazoria County Plat Records and west right-of-way line of a
 6-41 40-foot wide road dedicated by Emigration Land Company Subdivision;

6-42 (7) THENCE South 03°23'15" East, along the west line of said
 6-43 40-foot wide road, a distance of 3,067.83 feet to a 5/8-inch iron
 6-44 rod found at the common corner of Lot 29 and Lot 30;

6-45 (8) THENCE South 86°38'32" West, a distance of 1,278.22 feet
 6-46 to the POINT OF BEGINNING and containing 59.06 acres of land. This
 6-47 description accompanies a Land Title Survey, prepared by Edminster,
 6-48 Hinshaw, Russ and Associates, Inc. and dated February 6, 2008.

6-49 Save and Except a 267.00 foot by 267.00 foot tract of land in
 6-50 the southeast corner of Lot 29, being 1.64 acres of land, leaving a
 6-51 net acreage of 57.42 acres of land.

6-52 SECTION 3. (a) The legal notice of the intention to
 6-53 introduce this Act, setting forth the general substance of this
 6-54 Act, has been published as provided by law, and the notice and a
 6-55 copy of this Act have been furnished to all persons, agencies,
 6-56 officials, or entities to which they are required to be furnished
 6-57 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 6-58 Government Code.

6-59 (b) The governor, one of the required recipients, has
 6-60 submitted the notice and Act to the Texas Commission on
 6-61 Environmental Quality.

6-62 (c) The Texas Commission on Environmental Quality has filed
 6-63 its recommendations relating to this Act with the governor, the
 6-64 lieutenant governor, and the speaker of the house of
 6-65 representatives within the required time.

6-66 (d) All requirements of the constitution and laws of this
 6-67 state and the rules and procedures of the legislature with respect
 6-68 to the notice, introduction, and passage of this Act are fulfilled
 6-69 and accomplished.

7-1 SECTION 4. (a) If this Act does not receive a two-thirds
7-2 vote of all the members elected to each house, Subchapter C, Chapter
7-3 8464, Special District Local Laws Code, as added by Section 1 of
7-4 this Act, is amended by adding Section 8464.106 to read as follows:

7-5 Sec. 8464.106. NO EMINENT DOMAIN POWER. The district may
7-6 not exercise the power of eminent domain.

7-7 (b) This section is not intended to be an expression of a
7-8 legislative interpretation of the requirements of Subsection (c),
7-9 Section 17, Article I, Texas Constitution.

7-10 SECTION 5. This Act takes effect immediately if it receives
7-11 a vote of two-thirds of all the members elected to each house, as
7-12 provided by Section 39, Article III, Texas Constitution. If this
7-13 Act does not receive the vote necessary for immediate effect, this
7-14 Act takes effect September 1, 2013.

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